## IN THE UNITED STATES DISTRICT COURT MIDDLE DISTRICT OF TENNESSEE NORTHEASTERN DIVISION

RHONDA KURZ and husband,	)
KEITH KURZ,	)
Plaintiffs,	) )
VS.	) No ) JURY DEMAND (12-PERSON)
WALMART, INC.,	) JUNI DEMAND (12-1 ERSON)
Defendant.	)

## NOTICE OF REMOVAL

Defendant hereby gives notice of the removal pursuant to 28 U.S.C. § 1441 et. seq., of the following action filed against them: Rhonda Kurz and husband, Keith Kurz v. Walmart, Inc., in the Circuit Court for Cumberland County, Tennessee, No. CC1-22-CV-6873.

A copy of the summons is attached as Exhibit A. A copy of the complaint is attached as Exhibit B. Plaintiffs are citizens and residents of Cumberland County, Tennessee.

Wal-Mart Stores East, LP, is the entity that operated the store on the date of this accident. Walmart Inc. is not a proper party to this action. Defendant may be referred to as "Wal-Mart" in this document. It is expected that Wal-Mart Stores East, LP, will be substituted as the proper defendant in this matter.

Wal-Mart Stores East, LP is a Delaware limited partnership. The general partner is WSE Management, LLC, a Delaware limited liability company. The limited partner is WSE Investment, LLC, a Delaware limited liability company. The sole member of WSE Management, LLC and WSE Investment, LLC is Wal-Mart Stores East, LLC fka Wal-Mart Stores East, Inc., an Arkansas limited liability company. The sole member of Wal-Mart Stores East, LLC is Walmart Inc. fka Wal-Mart Stores, Inc., a Delaware corporation. There are no other owners of Wal-Mart Stores East, LLC. Walmart Inc. is and was at the times plaintiff's complaint was filed and this matter being removed

to this Court a corporation organized and existing under the laws of the State of Delaware with its principal place of business in Bentonville, Arkansas. Walmart Inc. is a publicly traded company on the New York Stock Exchange and traded under the symbol WMT. No publicly traded entity owns more than 10% of Walmart Inc. The principal place of business for all entities mentioned is 702 S.W. 8th Street, Bentonville, Arkansas 72716.

Jurisdiction is conferred under 28 U.S.C. § 1332 relating to diversity of citizenship of the parties. The parties are citizens of different states.

The amount in controversy is in excess of the federal jurisdictional requisite of \$75,000. The complaint prays that "Plaintiffs be awarded a judgment against the Defendant in the amount of One Hundred Thousand Dollars (\$100,000.00)."

Defendant agreed to accept service of the complaint which it received via certified mail at its principal place of business in Bentonville, Arkansas on April 26, 2022. Fewer than thirty days have expired since Defendant received a copy of plaintiff's complaint. This Notice of Removal is timely filed as set forth in 28 U.S.C. § 1446(b). WHEREFORE, Defendant hereby gives notice of the removal of this action pending in the Circuit Court of Cumberland County, Tennessee, to the United States District Court for the Middle District of Tennessee, Northeastern Division, and requests that the proceedings be held thereon.

/s/ Maria T. de Quesada

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## **CERTIFICATE OF SERVICE**

I certify that a copy of the foregoing was electronically filed with the Court and was served by U.S. Mail, postage prepaid, upon:

Matthew J. McClanahan, Esq. McCLANAHAN & WINSTON, P.C. P. O. Box 1110 Crossville, TN 38557 matt@tennadvocate.com

this the 20th day of May, 2022.

/s/ Maria T. de Quesada\_